

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA  
Western Division

**U.S.A. vs. Douglas Wayne Smith**

**Docket No. 5:11-CR-143-1D**

**Petition for Action on Supervised Release**

COMES NOW Scott Plaster, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Douglas Wayne Smith, who, upon an earlier plea of guilty to Felon in Possession of a Firearm, was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge on February 8, 2012, to the custody of the Bureau of Prisons for a term of 24 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Douglas Wayne Smith was released from custody on December 21, 2012, at which time the term of supervised release commenced.

On February 3, 2014, the court was notified via a Violation Report that while residing at the Durham Rescue Mission, the defendant suffered a relapse and tested positive for cocaine on December 23, 2013. As a result, Mr. Smith was removed from the program at the Durham Rescue Mission. He admitted his use and subsequently gained admission to Christian Recovery House, a residential drug treatment program in Wilmington, North Carolina. Supervision was continued in order to allow Mr. Smith to work on his recovery, with a warning that additional drug use could result in a return to court.

On March 31, 2015, a Violation Report was presented to the court, advising of the defendant's use of cocaine on March 26, 2015. The defendant admitted to using cocaine and attributed his use to marital problems he was experiencing. Mr. Smith was referred for treatment, re-enrolled in the Surprise Urinalysis Program, and he was encouraged to return to residential treatment. The defendant was afforded the opportunity to engage in treatment with a warning that any failure to comply with treatment directives and evidence of ongoing illegal drug use would result in the initiation of revocation proceedings.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** On March 31, 2015, the defendant submitted a random drug screen as part of the Surprise Urinalysis Program that resulted in a positive result for cocaine. The defendant denied using cocaine; however, the laboratory test confirmed the result. The defendant returned to the residential substance abuse treatment program at Christian Recovery House on April 6, 2015, and has secured employment in Wilmington while working on his recovery again. Although the defendant was informed that additional evidence of drug use could result in a return to court for revocation proceedings, he has re-engaged in a treatment program. While Mr. Smith's noncompliance needs to be addressed, we are not recommending revocation proceedings at this time. Instead, it recommended the defendant serve two weekends in the custody of the Bureau of Prisons, as arranged by the probation office. The defendant will be expected to comply with all rules and regulations of whatever facility he is designated. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 weekends, from 6:00 p.m. on Friday until 6:00 p.m. on Sunday, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Jeffrey L. Keller

Jeffrey L. Keller

Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Scott Plaster

Scott Plaster

U.S. Probation Officer

310 New Bern Avenue Room 610

Raleigh, NC 27601-1441

Phone: 919-861-8808

Executed On: May 5, 2015

**ORDER OF THE COURT**

Considered and ordered this 5 day of May, 2015 and ordered filed and  
made a part of the records in the above case.

James C. Dever III

James C. Dever III

Chief U.S. District Judge